

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
NOVEMBER 2, 1960

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 p.m. of Wednesday, November 2, 1960. Councilmen Brown, Katzakian, Mitchell, Ullmann and Culbertson (Mayor) present; none absent.

Also Present: City Manager Graves, Administrative Assistant Carlton, City Attorney Mullen and Planning Director Rodgers

PUBLIC HEARINGS

COSTA FENCE
APPEAL
DENIED

Notice thereof having been published in accordance with law, Mayor Culbertson called for public hearing on the appeal of Mr. Howard C. Costa from the decision of the Planning Commission which denied his request for a variance to permit the erection of a six-foot fence in the street side yard along the south property line of his property at 301 North Crescent Avenue. City Manager Graves read the report from the Planning Commission which denied the request by a vote of 4 - 3 for the following reasons: The zoning principle prohibiting the replacement of one non-conforming use by another such use, the adequate yard which would still be usable with a fence in the proper location, the lack of unusual conditions which distinguish this lot from other corner lots similarly located, and the adequacy of other solutions to the privacy and appearance problems. Mr. Costa then spoke in behalf of his request, stating that his lot was not a normal lot since he did not have any neighbors who would be affected by the fence and that the fence would not be a traffic hazard. He also felt that since the fence was replacing a non-conforming hedge it would be permitted. He stated that moving the fence back to conform to the ordinance would be a hardship because of numerous plantings, and lowering the fence would also be a hardship because of the trash problem from the school children and also the lack of privacy. He showed the City Council several snapshots of non-conforming fences in Lodi. There were no protests to the fence, written or oral. Planning Director Rodgers pointed out that prior existence of a hedge in this location, while it might have been continued as a non-conforming use, did not establish a basis for replacing it with a fence that was non-conforming. Councilman Katzakian felt that denial of the request would not be a hardship for Mr. Costa and that if the appeal were granted it would open the door to other similar requests. Councilman Brown said the Council should abide by the zoning ordinance. Mayor Culbertson stated it was the duty of the Council to uphold the ordinance and that a variance could not be granted unless hardship was shown. Councilman Katzakian moved that decision of the Planning Commission be upheld because of lack of hardship to the property owner. The motion was seconded by Councilman Brown and carried by unanimous vote.

Minutes of November 2, 1960 continued

CITY PLANNING COMMISSION

REZONE 301 N. PLEASANT The Planning Commission recommended that the property at 301 North Pleasant Avenue be rezoned from the R-4 Multiple Family Residential Zone to the C-P Commercial-Professional Office Zone as requested by Mr. Stanley Kirst. On motion of Councilman Brown, Mitchell second, the matter was set for public hearing on November 16, 1960.

REZONE NW COR. ELM & CHURCH The Planning Commission also recommended the rezoning of the property at the northwest corner of Elm Street and Church Street from the C-1 Neighborhood Commercial Zone to the C-2 General Commercial Zone as requested by Mr. Irving E. Baker. On motion of Councilman Katzakian, Mitchell second, the matter was set for public hearing on November 16, 1960.

COMMUNICATIONS

LOWE'S VILLAGE STREET LIGHTS Petition for street lights from owners of more than 60% of the property along Sacramento and School Streets in Lowe's Village as certified by the City Clerk. The Council adopted Resolution No. 2371, adopting Plans and Specifications for the Lowe's Village Street Lighting District, on motion of Councilman Mitchell, Katzakian second. On motion of Councilman Brown, Katzakian second, the Council then adopted Resolution No. 2372, resolution of intention for construction of street light standards and necessary wires and conduits in the Lowe's Village Street Lighting District and setting public hearing thereon for December 7, 1960.

PROP. NO. 15 OPPOSITION Resolution from the Board of Supervisors of the County of Sonoma reaffirming its opposition to the proposed reapportionment of the State Senate as set forth in Proposition No. 15.

REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$175,901.90 were approved on motion of Councilman Brown, Ullmann second.

AWARD COPPER WIRE Mr. Graves presented the following tabulation of bids received on 15 KV copper cable:

	<u>Regular</u>	<u>Alternate</u>
RES. NO. 2373 ADOPTED		
Valley Electric Co.	\$16,098.42	\$14,329.33
Westinghouse Electric	15,462.85	
Maydwell & Hartzell	16,263.80	15,888.08
Phillips & Edwards Elec.	16,211.60	

Mr. Graves explained that the wire on the alternate bid was as good as that on the regular bid, but was a different type of insulation. He recommended that award be made to Valley Electric Company on their alternate bid as the lowest and best bid. The Council adopted Resolution No. 2373 awarding the contract for the copper cable to Valley Electric Company for \$14,329.33 on motion of Councilman Katzakian, Brown second.

Minutes of November 2, 1960 continued

R/W FOR
DRAINAGE DITCH
AND HALE ROAD

In connection with obtaining rights of way for the Cherokee Lane storm drainage ditch, the City Manager read a letter from J.R. and Amelie Hale offering a deed for the ditch right of way and also a deed to a 30-foot strip of land for the purpose of improving their portion of Hale Road west of the proposed freeway. The deeds are offered with the understanding that the City will pay the full cost of installing and improving the street, curb and gutter on the portion of Hale Road described in the deed and that if the cost of the improvements is less than \$3,600, the difference between the actual cost and \$3,600 will be paid to the Hale's by the City. The City Manager also presented deeds to a 30-foot strip for Hale Road from Robert and Helen Billigmeier and also from Ben L. Horton. Both deeds were presented with the understanding that the City will pay the cost of street improvement, curb and gutter. Councilman Katzakian moved that the terms of the letter from Mr. and Mrs. Hale be accepted, that the deed for the drainage right of way be forwarded to the State for acceptance, that the right of way contract pertaining thereto be executed on behalf of the City, and that the deeds to portions of Hale Road from Mr. and Mrs. Hale, Mr. and Mrs. Billigmeier, and Ben L. Horton be accepted in accordance with the conditions above mentioned. The motion was seconded by Councilman Mitchell and carried by unanimous vote.

1959-60
AUDIT

The Council members had no questions concerning the 1959-60 Audit, copies of which they had previously received, stating it was satisfactory.

POLICE
STANDARDSORD. NO. 685
INTRODUCED

The City Manager submitted a proposed ordinance accepting standards for recruitment and training of law enforcement officers established by the California Commission on Police Officer standards and training. He stated that the State has enacted legislation setting aside funds for reimbursing local jurisdictions for expenses in connection with training of police officers providing that the City agrees to follow the standards established by the Commission. He stated that this would be no problem for the City since the City's standards for recruiting and training exceed the minimums established by the Commission. The amount to be received from the State would be approximately 50% of the total cost. On motion of Councilman Katzakian, Brown second, the City Council introduced Ordinance No. 685 accepting the State's standards for recruitment and training of law enforcement officers.

ORDINANCES

HARRISON
REZONING TO
C-1

ORDINANCE NO. 683, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY ON THE WEST SIDE OF HAM LANE BETWEEN WALNUT STREET AND LODI AVENUE TO BE IN THE C-1 NEIGHBORHOOD COMMERCIAL ZONE" having been introduced at

Minutes of November 2, 1960 continued

ORD. NO. 683
ADOPTED

the regular meeting of October 19, 1960, was brought up for passage on motion of Councilman Brown, Mitchell second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Brown, Mitchell, Ullmann and Culbertson

NOES: Councilmen - Katzakian

ABSENT: Councilmen - None

SALARY INC.
EQUIPMENT
MAINTENANCE
MAN

ORD. NO. 684
ADOPTED

ORDINANCE NO. 684, entitled "AN ORDINANCE AMENDING ORDINANCE NO. 682 AND THEREBY INCREASING THE SALARY RANGE FOR EQUIPMENT MAINTENANCE MAN" having been introduced at the regular meeting of October 19, 1960, was brought up for passage on motion of Councilman Katzakian, Brown second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Brown, Katzakian, Mitchell, Ullmann and Culbertson

NOES: Councilmen - None

ABSENT: Councilmen - None

POLICE
COMPLIMENTED

Councilman Brown moved that the Mayor write a letter to the Police Department in commendation for the record made by one of the police officers at training school and that a copy be sent to the officer. Motion seconded by Councilman Mitchell and carried.

The Council then adjourned.

Beatrice Garibaldi
ATTEST: BEATRICE GARIBALDI
City Clerk